

1 Honorable Marsha J. Pechman
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

9 DEREK TUCSON, ROBIN SNYDER,
10 MONSIEREE DE CASTRO, and ERIK
11 MOYA-DELGADO,

12 Plaintiffs,

13 v.

14 CITY OF SEATTLE, ALEXANDER
15 PATTON, TRAVIS JORDAN, DYLAN
16 NELSON, JOHN DOES (#1-4), and JANE
17 DOES (#1-2)

18 Defendants.

19 No. 2:23-cv-00017-MJP
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22 STIPULATED MOTION FOR RELIEF
23 FROM DEADLINES TO JOIN
24 ADDITIONAL PARTIES AND AMEND
25 PLEADINGS

26 **Note for Motion: May 4, 2023**

27 [LCR 7(d)(1) and (j)]

18 Pursuant to LCR 7(j) and the Court's Order Setting Trial Dates and Related Dates (Dkt.
19 26), the Parties hereby submit this stipulated motion to reset the deadlines for joining additional
20 parties and amended pleadings related to joining those parties, currently set for May 5, 2023 and
21 May 15, 2023 respectively. The parties seek extension of those deadlines to October 2, 2023 in
22 order to allow sufficient time to conduct discovery – including scheduling and taking depositions
23 and written requests to identify JOHN DOES 1-4 and JANE DOES 1-2 (collectively, the “Doe
24 Defendants”), to move for joinder of those individuals, and to amend the pleadings accordingly.

25 **I. Background**

26 At the FRCP 26(f) conference, the parties discussed and agreed to a proposed deadline
27 for joining additional parties that would allow Plaintiffs to conduct sufficient discovery to
STIPULATED MOTION FOR RELIEF FROM DEADLINES FOR
JOINING ADDITIONAL PARTIES AND FILING AMENDED
PLEADINGS - 1

No. 2:23-cv-00017-MJP

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1 identify the Doe Defendants and to amend the complaint to join them within the scheduling
 2 order. The parties' Joint Status Report, Dkt. 25, p. 2, proposed "five months of discovery prior to
 3 the deadline for joining additional parties" because "the identity of individual defendants is not
 4 presently known to Plaintiffs."

5 Since the FRCP 26(f) conference, both parties have engaged in substantive motions
 6 practice.

8 In the interim, the Court issued the Order Setting Trial Dates & Related Dates, Dkt. 26,
 9 which set the deadline for joining additional parties for May 5, 2023 and May 15, 2023. The
 10 discovery deadline is currently set for January 12, 2024.

11 **II. Good Cause Exists to Reset the Joinder and Amendment Deadlines**

12 A motion to extend deadlines in the Court's scheduling order must be supported by a
 13 showing of "good cause" for the extension. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604,
 14 608–09 (9th Cir. 1992); Fed. R. Civ. P. 16(b)(4); *see also* LCR 7(j). "Good cause" to extend a
 15 deadline exists "if it cannot reasonably be met despite the diligence of the part[ies] seeking the
 16 extension." *Johnson*, 975 F.2d at 609. In determining whether to amend a scheduling order to allow
 17 more time to conduct discovery, courts consider a number of factors, including:

18 (1) whether trial is imminent, (2) whether the request is opposed, (3) whether the non-moving
 19 party would be prejudiced, (4) whether the moving party was diligent in obtaining discovery
 20 within the guidelines established by the court, (5) the foreseeability of the need for additional
 21 discovery in light of the time allowed for discovery by the district court, and (6) the
 22 likelihood that the discovery will lead to relevant evidence.

23 *City of Pomona v. SQM N. Am. Corp.*, 866 F.3d 1060, 1066 (9th Cir. 2017) (internal citation and
 24 quotation omitted).

25 Here, the factors favor amendment of the scheduling order to allow for discovery prior to the
 26 deadline for joining additional parties and amending the pleadings for purposes of joinder. Trial is
 27 not imminent and the request is unopposed. Both parties have been diligent. Neither party believes

1 the extension would cause prejudice. Some period of time for discovery is necessary to identify the
 2 Doe Defendants. The parties seek this stipulated extension to these two specific deadlines: the
 3 deadline to join additional parties and the deadline to amend the pleadings (but only for amendments
 4 related to joinder of those additional parties). The parties do not seek any change in the trial date,
 5 discovery deadline, deadline for dispositive motions, or any other deadline. The additional parties are
 6 all anticipated to be current or former employees of Defendant City of Seattle, to be represented by
 7 Defendant's current counsel, and to result in no further delays of the case schedule.
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9 Relief requested: The parties request that the deadline to join parties and amend pleadings
 10 related to joinder be extended to October 2, 2023. In the alternative, the parties ask the Court to take
 11 this motion under advisement or deny it without prejudice pending identification of the Does.

12 DATED this 4th day of May, 2023.

13 STIPULATED BY:

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27 **Attorneys for Plaintiff**

This motion contains 864 words in compliance with the local rules.

STIPULATED MOTION FOR RELIEF FROM DEADLINES FOR
 JOINING ADDITIONAL PARTIES AND FILING AMENDED
 PLEADINGS - 3

No. 2:23-cv-00017-MJP

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CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following individuals:

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DATED this 4th day of May, 2023, at Seattle, Washington.

____s/ Lucas Wildner _____
Lucas Wildner, Legal Assistant

**STIPULATED MOTION FOR RELIEF FROM DEADLINES FOR
JOINING ADDITIONAL PARTIES AND FILING AMENDED
PLEADINGS - 4**